

JPD-06
Ct No.07
11.06.2026
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CO 74 of 2026

Fr. Sebastian Basteppa Martis
Vs.
Bee Gee Wood Craft Udyog Private Limited and others

Mr. Momenur Rahaman,
Mr. Bikash Singha

.... for the petitioner

1. The present revision has been preferred against an order whereby the application of the defendant no.1/petitioner under Order VII Rule 11 of the Code of Civil Procedure was rejected by the learned Trial Judge.
2. Learned counsel for the petitioner contends that the suit, as framed, is patently undervalued, in view of declaration of title being sought along with recovery of possession.
3. It is submitted that under Order VII Rule 11(b), where the relief claimed is undervalued and the plaintiff on being required by the court to correct the valuation within a time to be fixed by the Court fails to do so, the plaint will be rejected. However, in the present case, the learned Trial Judge, it is submitted, rejected the application under Order VII Rule 11 outright without entering into any enquiry as to whether the suit was undervalued

and/or directing the plaintiff to correct the valuation.

4. In the backdrop of the above submission, it is required to be considered whether the learned Trial Judge ought to have kept the petitioner's application under Order VII Rule 11 pending till it was ascertained as to whether the suit had been correctly valued and, if found to be undervalued, whether the plaintiff corrected the valuation within the time to be fixed by the Court and on failure of the plaintiff to do so, to have allowed the application.
5. This revisional application is required to be heard on such question.
6. Accordingly, the petitioner shall serve a copy of the revisional application on the plaintiff/opposite party no.1, indicating that the application shall be listed on June 16, 2026 when an affidavit-of-service to that effect shall be filed by the petitioner.
7. There shall be stay of all further proceedings in Title Suit No. 534 of 2024 pending before the First Court of learned Civil Judge (Junior Division), Jalpaiguri till June 19, 2026 or until further order, whichever is earlier.

(Sabyasachi Bhattacharyya, J.)

